



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,291	07/09/2001	Rene Pierre Gaston Collier	NL 000398	7141

24737 7590 07/13/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
----------

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/901,291	COLLIER, RENE PIERRE GASTON	
	Examiner	Art Unit	
	Farzana E. Hossain	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07-09-01, 02-01-02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show details in Figure 1 (102, 104, 106, 110, 112, 114, 116, 118), Figure 2 (100, 202, 204, 206), Figure 3 (100, 302, 304, 306) and Figure 4 (100, 402, 400, 406) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Device and Method of Selecting and Presenting Program Guide Information Based on Genres.

3. The abstract of the disclosure is objected to because of Line 10 recites "Figure 6." The Office assumes that "Figure 6" was incorrectly recited in the abstract. Correction is required. See MPEP § 608.01(b).

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.

- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
  - (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
  - (i) DETAILED DESCRIPTION OF THE INVENTION.
  - (j) CLAIM OR CLAIMS (commencing on a separate sheet).
  - (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
  - (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al (US 5,594,509 and hereafter referred to as "Florin") in view of Kim (US 6,618,057).

Regarding Claims 1 and 8, Florin discloses a device comprising: a specification unit or central processing unit (CPU) (Figure 3, 63, Figures 22-32) for letting the user specify a preferred genre (Figures 22-28) from a plurality of program genres (Figures 22-28) by letting the user select a label (Figures 22-28, 305, 310, 315, 312, 313) from a plurality of labels (502-510), each label corresponding to a respective one of the

Art Unit: 2617

program genres (Figures 22-28, 305, 310, 312, 313, 315). Florin discloses a device comprising a selection unit or CPU (Figure 3, 63, Figures 22-32) for making the selection of programs from a plurality of programs on the basis of the preferred genre (Figure 29) and a presentation unit or CPU (Figure 3, 63, Figures 22-32) for presenting the information about the selection of programs (Figures 22-32). Florin does not disclose a label assignment unit, which allows the user to assign a particular label to a particular program genre. Kim discloses that the device further comprises a label assignment unit or code processor (Figure 3, 110), which allows the user to assign a particular label or icon for a menu (Abstract, Column 3, lines 28-32, Figures 6, 7A, 7B, 7C), so as to make the particular label or icon correspond to the particular menu command or choosing a label for a particular program genre so as to make the particular label correspond to the program genre for the purpose of specifying the preferred genre. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to include a label assignment unit that allows users to assign labels to program genres (Figures 6, 7A-7C) as taught by Kim in order to provide a graphic interface satisfying a user's preference (Column 1, lines 35-37) as disclosed by Kim.

Regarding Claim 2, Florin and Kim discloses all the limitations of Claim 1. Florin does not disclose the label assignment unit. Kim discloses the label assignment unit (Figure 3, 110) is arranged to let the user select the particular label from a group of labels (Figure 7B).

Regarding Claim 3, Florin and Kim discloses all the limitations of Claim 2. Florin does not disclose a storage unit storing the group of labels. Kim discloses a storage unit or second memory (Figure 3, 108) for storing the group of labels or icons.

Regarding Claim 4, Florin and Kim discloses all the limitations of Claim 1. Florin discloses that labels are pictorial representation of the program genre (Figures 22-32, including 305, 310, 312, 313, 315). However, Florin does not disclose that the user assigns the particular label. Kim discloses a label assignment unit or code processor (Figure 3, 110), which allows the user to assign a particular label or icon for a menu (Abstract, Column 3, lines 28-32, Figures 6, 7A, 7B, 7C), so as to make the particular label or icon, which is a pictorial representation of the particular program genre (Figure 7B), correspond to the particular menu command or choosing a label for a particular program genre so as to make the particular label correspond to the program genre for the purpose of specifying the preferred genre.

Regarding Claim 5, Florin discloses a television receiver (Figures 1, 2, 54) comprising a receiving unit or A/V connect module (Figure 2, 66) for receiving a video signal. Florin discloses a display device (Figure 2, 58, Column 8, lines 39-42) displaying the video signal and the information. The claimed feature of the device for presenting information about a selection of programs as claimed in claim 1 directly corresponds with the subject matter mentioned above in the rejection of Claim 1 and is likewise analyzed.

Regarding Claim 6, Florin discloses a set-top box (Figures 1, 2, 54) comprising a receiving unit or A/V connect module (Figure 2, 66) for receiving a video signal. The

claimed feature of the device for presenting information about a selection of programs as claimed in claim 1 directly corresponds with the subject matter mentioned above in the rejection of Claim 1 and is likewise analyzed.

Regarding Claim 7, Florin discloses a program storage apparatus ((Figures 1, 2, 54, 62, 56). The claimed feature of the device as claimed in claim 1 directly corresponds with the subject matter mentioned above in the rejection of Claim 1 and is likewise analyzed.

7. Claims 1-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al (US 5,594,509 and hereafter referred to as "Florin") in view of Knowles et al (US 2003/0079227 and hereafter referred to as "Knowles").

Regarding Claims 1 and 8, Florin discloses a device comprising: a specification unit or central processing unit (CPU) (Figure 3, 63, Figures 22-32) for letting the user specify a preferred genre (Figures 22-28) from a plurality of program genres (Figures 22-28) by letting the user select a label (Figures 22-28, 305, 310, 315, 312, 313) from a plurality of labels (502-510), each label corresponding to a respective one of the program genres (Figures 22-28, 305, 310, 312, 313, 315). Florin discloses a device comprising a selection unit or CPU (Figure 3, 63, Figures 22-32) for making the selection of programs from a plurality of programs on the basis of the preferred genre (Figure 29) and a presentation unit or CPU (Figure 3, 63, Figures 22-32) for presenting the information about the selection of programs (Figures 22-32). Florin does not disclose a label assignment unit, which allows the user to assign a particular label to a



particular program genre. Knowles discloses that the device further comprises a label assignment unit or direct memory access (DMA) device (Figure 1B, 7), which allows the user to assign a particular label or icon for a menu (Page 9, paragraph 0153), so as to make the particular label or icon correspond to the particular menu command or choosing a label for a particular program genre so as to make the particular label corresponded to the program genre for the purpose of specifying the preferred genre. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin to allow users to assign labels to program genres (Page 9, paragraph 0153) as taught by Knowles in order to provide a customized IPG for specific users (Page 4, paragraph 0074) as disclosed by Knowles.

Regarding Claim 2, Florin and Knowles discloses all the limitations of Claim 1. Florin does not disclose the label assignment unit. Knowles discloses the user arranged to let the user select the particular label from a group of labels or palette of symbols (Page 9, paragraph 0153).

Regarding Claim 3, Florin and Kim discloses all the limitations of Claim 2. Florin does not disclose a storage unit storing the group of labels. Knowles discloses a storage unit or memory (Page 4, paragraph 0079) for storing the group of labels or data specific to an interactive program guide (IPG).

Regarding Claim 4, Florin and Knowles discloses all the limitations of Claim 1. Florin discloses that labels are pictorial representation of the program genre (Figures 22-32, including 305, 310, 312, 313, 315). However, Florin does not disclose that the user assigns the particular label. Knowles discloses a label assignment unit (Figure 1B,

7), which allows the user to assign a particular label or icon for a menu (Page 9, paragraph 0153), so as to make the particular label or icon, which is a pictorial representation of the particular program genre (Page 9, paragraph 0153), correspond to the particular menu command or choosing a label for a particular program genre so as to make the particular label corresponded to the program genre for the purpose of specifying the preferred genre.

Regarding Claim 5, Florin discloses a television receiver (Figures 1, 2, 54) comprising a receiving unit or A/V connect module (Figure 2, 66) for receiving a video signal. Florin discloses a display device (Figure 2, 58, Column 8, lines 39-42) displaying the video signal and the information. The claimed feature of the device for presenting information about a selection of programs as claimed in claim 1 directly corresponds with the subject matter mentioned above in the rejection of Claim 1 and is likewise analyzed.

Regarding Claim 6, Florin discloses a set-top box (Figures 1, 2, 54) comprising a receiving unit or A/V connect module (Figure 2, 66) for receiving a video signal. The claimed feature of the device for presenting information about a selection of programs as claimed in claim 1 directly corresponds with the subject matter mentioned above in the rejection of Claim 1 and is likewise analyzed.

Regarding Claim 7, Florin discloses a program storage apparatus ((Figures 1, 2, 54, 62, 56). The claimed feature of the device as claimed in claim 1 directly corresponds with the subject matter mentioned above in the rejection of Claim 1 and is likewise analyzed.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
June 28, 2005

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600